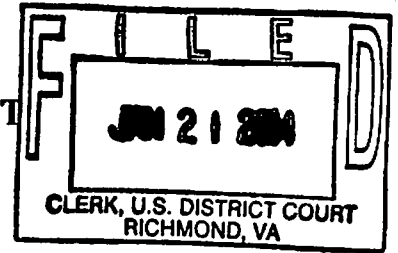


IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



Tyrome William Lott Sr.,

Plaintiff,

3:14CV045

v.

MCH Transportation Co.

Serve: Registered Agent

James P. Streetman, III

447 North Park Drive

Jackson, MS 39236

and

Hersie Tyson Jr.

222 West King St.

Jackson, TN 38301

Defendants,

COMPLAINT

For his complaint against the Defendants MCH Transportation Co. and Hersie Tyson Jr., Plaintiff Tyrome William Lott Sr., by counsel alleges the following:

## PARTIES AND JURISDICTION

1. Jurisdiction is founded on diversity of citizenship and amount in controversy pursuant to 28 U.S.C. § 1332.
2. Plaintiff Tyrome William Lott Sr., is a citizen of the Commonwealth of Virginia.
3. Defendant MCH Transportation Co. hereinafter "MCH Transportation" is a Corporation registered in the State of Mississippi and its principal place of business is in the state of Mississippi.
4. Defendant MCH Transportation is a trucking company that regularly and purposefully conducts substantial business activities in the Commonwealth of Virginia.
5. Defendant Hersie Tyson Jr. is a citizen of the State of Tennessee.
6. At all times relevant to this action, Defendant Tyson was an agent and/or employee of Defendant MCH Transportation Co., acting within the course and scope of his agency and/or employment.
7. All of the negligent acts and omissions of the defendants in this case, as described below, took place in New Kent County in the Commonwealth of Virginia.
8. The amount in controversy, exclusive of interest and cost, exceeds the sum of seventy-five thousand dollars (\$75,000.00).

9. The Defendants are subject to the venue and jurisdiction of this court.

### FACTS

10. On May 12, 2012 at approximately 1:05 p.m., Plaintiff Tyrome Lott Sr., was lawfully operating a Kawasaki motorcycle traveling westbound on Interstate 64 in the left lane in the vicinity of mile marker 217.5 crossover in New Kent County, Virginia.

11. On the same date and at the same time, Defendant Tyson acting within the scope of his agency and/or employment for MCH Transportation Co. was operating a Volvo D13 Tractor Trailer traveling westbound on Interstate 64, in the vicinity of mile marker 217.5 crossover in New Kent County, Virginia.

12. The Volvo D13 operated by Defendant Tyson was owned by MCH Transportation.

13. On the same date and at the same time, traffic was proceeding at approximately 65 miles per hour.

14. On the same date and at the same time, the traffic volume was moderate to heavy.

15. On the same date and at the same time Defendant Tyson carelessly and negligently drove, managed, operated and controlled the MCH Transportation

truck and that the truck without notice, signal or warning of any kind or nature suddenly made an improper lane change into Plaintiffs' lane forcing the Plaintiff to swerve to avoid imminent collision and causing him to fall off of his motorcycle.

16. Defendant Tyson while acting within the scope of his employment and/or agency for Defendant MCH Transportation, operated his vehicle in a careless, negligent and reckless manner including, but not limited to the following ways:

- a. Failure to signal his intent to change lanes.
- b. Changing lanes without first making sure it was safe to do so;
- c. Failure to keep a proper lookout;
- d. Making an unsafe lane change into the plaintiff's travel lane and
- e. Otherwise failing to operate his vehicle in a reasonably safe manner under the circumstances.

17. Defendant MCH Transportation is vicariously liable for the above referenced negligence of Defendant Tyson under the doctrine of *respondeat superior*.

18. As a direct and proximate result of the negligent and carelessness of Defendant Tyson and MCH Transportation acting through its agent and/or employee, Plaintiff Tyrome Lott Sr. suffered serious and severe injuries, has and will continue to suffer great pain of body and mind and has otherwise been injured.

19. As a result of said injuries, Plaintiff has received and will continue to receive medical and hospital care and treatment furnished or paid for by the United States of America. Plaintiff asserts a claim for the reasonable value of said past and future care and treatment, as well as for wages paid by the United States to active duty service members while unable to perform military duties due to said injuries, with the express consent of the United States, and for the sole use and benefit of the United States, per 42 USC §§2561-2653, 10 USC §§1095, 1095b, and Virginia Code §8.01-37.1.

20. As a direct and proximate result of the negligence and carelessness of Defendant Tyson and MCH Transportation acting through its agent and/or employee, Plaintiff has incurred, and will be compelled to incur in the future, expenses for medical, hospital and doctor's bills in an effort to be cured of his injuries and be relieved of his pain and suffering; has suffered loss of income and earnings capacity; and has suffered and will suffer other damages.


WHEREFORE, the Plaintiff, Tyrome William Lott Sr., by counsel demands judgment against the Defendants MCH Transportation and Hersie Tyson Jr., individually and jointly and severally in the amount of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00) in compensatory damages, interest thereon from May 12, 2012, his cost expended in this action, and for such other relief as this Court deems just and proper.

**PLAINTIFF DEMANDS TRIAL BY JURY.**

Tyrome William Lott Sr.

By: 

Counsel



Counsel

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